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3739

PTO/SB/21 (08-00)

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## TRANSMITTAL FORM

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Total Number Of Pages In This Submission

5

Application Number	10/079,605
Filing Date	February 21, 2002
First Named Inventor	Thomas KEAST
Group Art Unit	3739
Examiner Name	To Be Assigned

Attorney Docket No. 435712003521

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO-1449 - 1 page 2. Return Postcard
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<input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages	<input type="checkbox"/> Request for Refund	
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Remarks

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### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

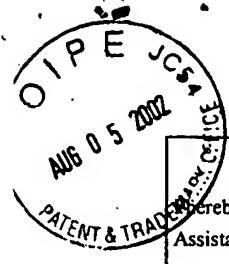
Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018 Richard R. Batt (Registration No. 43,485)
Signature	
Date	July 30, 2002

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*Carolyn McKubre*  
Carolyn McKubre

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In the application of:**

Thomas KEAST et al.

Serial No.: 10/079,605

Filing Date: February 21, 2002

For: **DEVICES FOR APPLYING ENERGY  
TO TISSUE**

**Examiner: To Be Assigned**

**Group Art Unit: 3739**

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**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were submitted in an Information Disclosure Statement directed to the related application Serial Number 09/633,651, filed August 7, 2000, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **435712003521**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 30, 2002

Respectfully submitted,

By: 

Richard R. Batt  
Registration No. 43,485

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